

## REMARKS

This is a full and timely response to the outstanding final Office Action mailed March 31, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **Rejections Under 35 U.S.C. § 102**

The Office Action indicates that claims 1, 2, 4, 6-9, 11 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Miyata*. As set forth in detail below, Applicants respectfully traverse the rejection.

Specifically, the Office Action indicates that *Miyata* discloses all the features/limitations recited in claim 1. Applicants respectfully disagree with this contention.

In this regard, claim 1 recites:

1. A data warehousing system, comprising:  
a plurality of uniquely-identifiable data capturing devices; and  
***a warehouse for receiving and storing at least one set of captured data from each device according to an identity of the device that captured each data set.***  
(Emphasis Added).

Applicants respectfully assert that *Miyata* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 1. Specifically, Applicants respectfully assert that *Miyata* does not teach or otherwise disclose “a warehouse” as recited in claim 1. The Office Action, however, alleges that *Miyata* does disclose such a warehouse and, for this proposition, refers Applicants’ attention to FIG. 2, item 9.

Applicants respectfully assert that reliance upon item 9 is improper for the purpose of anticipating at least this feature/limitation. In particular, *Miyata* discloses item 9 as a remote data base that stores ID data, “such as the owner’s name, the ID number, or other

information which uniquely belongs to the ID card owner.” (*Miyata*, col. 1, lines 59 – 61). Additionally, *Miyata* discloses that:

The registered data of each of the ID card owners stored in the data base includes at least the person’s security level and a photographic image of the person. (*Miyata* at col. 2, lines 45 – 47).

Thus, information is stored in the data base of *Miyata* according to the identity of the ID card owner. This is in direct contrast to Applicants’ “warehouse” recited in claim 1, which is “for receiving and storing at least one set of captured data from each device according to an identity of the device that captured each data set.”

Further, there is nothing in *Miyata* to indicate that data captured from different image capturing devices, *i.e.*, devices for capturing data associated with the stored photographic images of the ID card owners, would be stored “according to an identity of the device that captured each data set,” as recited in claim 1. *Miyata* does teach, however, that such data would be stored in accordance with the identity of the ID card owner.

Applicants respectfully assert that patentable weight has not been afforded to the functional limitations recited in Applicants’ claim 1. Applicants, however, may use functional language and such language must be considered for making a prior art rejection. As provided in the Manual of Examining Procedure (MPEP):

Applicants may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. (MPEP § 2173.01).

The MPEP also provides guidance specific to functional limitations at MPEP § 2173.05(g). As provided therein:

The functional limitation is an attempt to define something by what it does, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients). There is nothing inherently wrong with

defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper. In re *Swinehart*, 439 F.2d 210, 169 U.S.P.Q. 226 (CCPA 1971).

A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art and the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability of purpose that is served by the recited element, ingredient or step. (MPEP § 2173.05(g)) (emphasis added).

Since Applicants have recited “a warehouse for receiving and storing at least one set of captured data from each device according to an identity of the device that captured each data set,” and since this language is neither indefinite nor ambiguous, Applicants respectfully assert that this language must be considered for what it fairly conveys. In properly considering such language recited in Applicants’ claim 1, Applicants respectfully assert that *Miyata* is legally deficient for the purpose of anticipating claim 1 and respectfully requests that the rejection be removed. Therefore, Applicants respectfully assert that claim 1 is in condition for allowance.

Since claims 2, 4, 6 and 7 are dependent claims that incorporate all the features/limitations of claim 1, and presently stand rejected only under *Miyata* under 35 U.S.C. 102, Applicants respectfully assert that these claims also are in condition for allowance.

Turning now to claim 8, that claim recites:

8. A method of warehousing data, comprising the steps of:  
receiving at least one set of ***captured data*** from each of  
a plurality of uniquely-identifiable data capturing devices; and  
***storing the received data sets according to an identity  
of the device that captured each data set.***  
(Emphasis Added).

Applicants respectfully assert that *Miyata* is legally deficient for the purpose of anticipating claim 8, because *Miyata* does not teach or otherwise disclose at least the

features/limitations emphasized above in claim 8. Respectfully referring the Examiner's attention once again to *Miyata*, *Miyata* discloses storing data in accordance with the identity of ID card owners. This is in contrast to "storing the received data sets according to an identity of the device that captured each data set," as recited in claim 8. Since claims 9 and 11 are dependent claims that incorporate all the features/limitations of claim 8, and are not otherwise rejected in the pending Office Action, Applicants respectfully assert that these claims also are improperly rejected under 35 U.S.C. § 102 under *Miyata*. Therefore, Applicants respectfully assert that these claims are in condition for allowance.

With respect to claim 14, that claim recites:

14. A computer readable medium for warehousing data, comprising:  
logic that receives at least one set of captured data from each of a plurality of uniquely identifiable data capturing devices;  
***logic that stores the received data sets according to an identity of the device that captured each data set;*** and  
logic for providing direct access to each of the stored data sets via the Internet.  
(Emphasis Added).

Applicants respectfully assert that *Jones* is legally deficient for the purpose of anticipating claim 14, because at least the features/limitations emphasized above are not taught or otherwise disclosed by *Jones*. In this regard, the Office Action indicates that FIG. 7, item 24 (shown in detail in FIG. 8) of *Jones* allegedly anticipates the "logic that stores the received data sets according to an identity of the device that captured each data set," of claim 14. Applicants respectfully disagree with this characterization. Specifically, that portion of *Jones* deals with a registry that is used to store various sets of records, such as user information 86, device information 87 and group information 88.

Upon review of the portions of *Jones* related to the registry of FIG. 8, at least two patentable distinctions are apparent. First, the information stored in the registry of *Jones* is not “captured data” as recited in claim 14. Second, the information stored in the *Jones* registry does not involve “logic that stores the received data sets according to an identity of the device that captured each data set,” as recited in claim 14. Although *Jones* does describe storing device information 87 that can include a class of device, it does not appear that the class, much less “an identity of the device,” is used for storing “the received data sets according to an identity of the device that captured each data set.” Therefore, Applicants respectfully assert that *Jones* is legally deficient for the purpose of anticipating claim 14. Since claims 15 – 18 are dependent claims that incorporate all the features/limitations of claim 14, and are not otherwise rejected in the Office Action, Applicants respectfully assert that these claims also are in condition for allowance.

### **Rejections Under 35 U.S.C. § 103**

The Office Action indicates that claims 3 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miyata* in view of *Balakrishnan*, and that claims 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miyata* in view of *Jones*. Applicants respectfully traverse these rejections for at least the reason that the respective secondary references do not teach or reasonably suggest at least the features/limitations indicated above as lacking primary references. That is, *Balakrishnan* does not teach or reasonably suggest at least the features/limitations indicated above as lacking in *Miyata* with respect to independent claims 1 and 8. Additionally, *Jones* does not teach or reasonably suggest the features/limitations indicated above as lacking in *Miyata* with respect to independent claims 1 and 8. Therefore, Applicants respectfully assert that the rejection of claims that depend from

either claim 1 or 8 are improper, and it is respectfully requested that these rejections be removed. Therefore, Applicants respectfully assert that claims 3, 5, 10 and 12 are in condition for allowance.

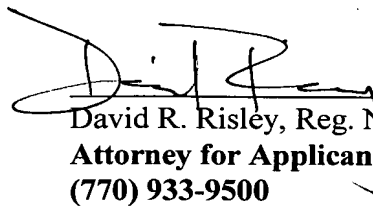
**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### CONCLUSION

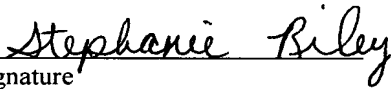
Applicants respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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